

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In re:) Bankruptcy No. 22-30323
)
NATHAN KAMPHAUS,) Chapter 7
)
Debtor.)

**NOTICE OF TRUSTEE'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND
FOR EXTENSION OF DEADLINE TO OBJECT TO DISCHARGE AND**

NOTICE OF HEARING

TAKE NOTICE that the Trustee has filed a Motion to Compel Production of Documents and For Extension of Deadline To Object To Discharge. A copy of the motion is attached.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant relief sought in the motion or objection, or if you want the court to consider your views on the matter, then on or before **fourteen days of the date of this motion**, you or your attorney must:

1. File with the court a written request for a hearing or, if the court requires a written response, file an answer, explaining your position with the Clerk, U. S. Bankruptcy Court, 401 W. Trade Street, Suite 2500, Charlotte, NC 28202.

If you mail your request or response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

2. On or before the date stated above for written responses, you must also mail or fax a copy of your written request to:

Heather W. Culp, Essex Richards, P.A., 1701 South Blvd., Charlotte, NC 28203

U.S. Bankruptcy Administrator, 402 W. Trade St., Suite 200, Charlotte, NC 28202-1669

3. Attend hearing scheduled to be held on **December 12, 2022, at 9:30 a.m.** at the United States Bankruptcy Court, Charles R. Jonas Federal Building, Courtroom 2B, 401 W. Trade Street, Charlotte, NC 28202.

Take other steps required to oppose a motion or objection under local rule or court order.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

November 23, 2022.

/s/Heather W. Culp

Heather W. Culp

NC Bar No. 30386

Chapter 7 Trustee

Essex Richards, P.A.

1701 South Boulevard

Charlotte, North Carolina 28203

Telephone: (704) 377-4300

Facsimile: (704) 372-1357

E-mail: Heather.Culp@essexrichards.com

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In re:) Bankruptcy No. 22-30323
)
NATHAN KAMPHAUS,) Chapter 7
)
Debtor.)

**TRUSTEE'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND FOR
EXTENSION OF DEADLINE TO OBJECT TO DISCHARGE**

Heather W. Culp, Trustee (“Movant”) moves the Court pursuant to Federal Rules of Bankruptcy Procedure 4004(b)(1) and 11 U.S.C. §§ 521(e)(2)(A) for entry of an order (a) compelling the Debtor to produce his tax returns for tax year 2020 (state and federal) and all supporting documents, (b) extending her time to object to the Debtor’s discharge, and (c) taxing against the Debtor Movant’s costs in bringing this motion. Movant shows the following in support:

1. Movant is the duly appointed and acting trustee in the above-captioned Chapter 7 bankruptcy case filed on July 18, 2022. The Debtor’s scheduled meeting of creditors took place on August 24, 2022 and concluded on October 5, 2022.

2. Debtors in Chapter 7 cases in this district must provide their trustees with a copy of certain documents no later than 10 days prior to their scheduled meeting of creditors.¹ These documents include “Tax returns, both state and federal, for the two most recent years, including all schedules and statements.” *Id.*

3. The Debtor has not provided Movant a copy of his 2020 tax returns including all schedules and statements. He has provided only IRS Form 8879 for tax year 2020, which is the IRS E-File Signature Authorization.

4. On November 16, 2022, Movant asked Debtor’s counsel for these documents as soon as possible, in hopes of avoiding the need to extend the November 23rd deadline to object to discharge. Exhibit A. Debtor’s counsel replied the same day, saying he was following up with the Debtor about this.

5. The Debtor has not shown any reason for the delay in producing the missing documents.

6. Because of the Debtor’s failure to produce the required documents, Movant requests a 30-day extension, through and including December 23, 2022, in which to object to the Debtor’s discharge.

¹ <https://www.ncwba.uscourts.gov/sites/ncwba/files/Standard%20Document%20Request.pdf> (last visited 11/23/22)

7. The deadline to object to discharge is set for November 23, 2022 and has not expired. Movant previously sought or obtained one 30-day extension of this deadline. Movant brings this motion in good faith and not for purposes of delay.

8. Movant and her staff have wasted time and effort attempting to obtain basic information from the Debtor, in what so far appears to be a no asset case. Movant's costs resulting from the preparation and prosecution of this motion should be taxed to the Debtor. Movant requests that the Debtor be ordered to pay her the sum of \$350 (payable to "Essex Richards, P.A." and delivered to 1701 South Blvd., Charlotte, North Carolina 28203). \$350 is the value of one hour of Movant's time at her usual hourly rate of \$350. Movant further requests that she be permitted to deposit the \$350 payment directly into her law firm's bank account rather than an estate account.

WHEREFORE, Movant requests that the Court enter an order (a) compelling the Debtor to produce his 2020 federal and state tax returns plus all supporting documents, (b) extending through and including December 23, 2022, the deadline to object to discharge, and (c) awarding Movant \$350 for the costs set forth above.

November 23, 2022.

/s/Heather W. Culp
Heather W. Culp
NC Bar No. 30386
Chapter 7 Trustee
Essex Richards, P.A.
1701 South Boulevard
Charlotte, North Carolina 28203
Telephone: (704) 377-4300
Facsimile: (704) 372-1357
E-mail: Heather.Culp@essexrichards.com

EXHIBIT A

From: Heather Culp <Heather.Culp@essexrichards.com>
Sent: Wednesday, November 16, 2022 1:55:42 PM
To: Cindy Baker <Cindy.Baker@essexrichards.com>; Jim Henderson <henderson@title11.com>
Subject: RE: Kamphaus #22-30323

Jim, 11/23/22 is the deadline for me to object to discharge or move to extend the deadline to do so, so can you please upload to Stretto the 2020 federal and state tax returns (all schedules and statements) ASAP? I don't want to have to file anything. I believe this is all we need to close our file. Thank you.

CERTIFICATE OF SERVICE

I hereby certify that on November 23, 2022, I electronically filed the foregoing **NOTICE OF HEARING and TRUSTEE'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND FOR EXTENSION OF DEADLINE TO OBJECT TO DISCHARGE** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following parties:

Shelley K. Abel, U.S. Bankruptcy Administrator
James H. Henderson, Attorney for the Debtor

I further certify that the foregoing was served on the parties listed below by mailing a copy of the same in an envelope addressed to each party with proper postage attached and deposited in an official depository under the exclusive care and custody of the United States Postal Service on November 23, 2022.

Nathan Kamphaus
4009 Amhurst Court
Matthews, NC 28104

/s/Heather W. Culp
Heather W. Culp
NC Bar No. 30386
Chapter 7 Trustee
Essex Richards, P.A.
1701 South Boulevard
Charlotte, North Carolina 28203
Telephone: (704) 377-4300
Facsimile: (704) 372-1357
E-mail: Heather.Culp@essexrichards.com